

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALIPER LIFE SCIENCES, INC., et al.,

Plaintiffs,

No. C 10-2079 PJH

v.

ORDER VACATING HEARING DATE

CARESTREAM HEALTH, INC.,

Defendant.

The court has reviewed the parties' Joint Claim Construction and Prehearing Statement, as well as the parties' briefs filed in connection with the upcoming claim construction hearing. Given that six other motions are scheduled for hearing during the July 20, 2011, civil law and motion calendar, it will be impossible to accommodate the parties' request for a half-day hearing on the regular calendar. Accordingly, the July 20, 2011, date for the hearing on the claim construction is hereby VACATED.

The court also notes that in addition to requesting a half day for argument, the parties in the Joint Claim Construction and Prehearing Statement have indicated that they plan for "one half to one day for witness testimony." It is the court's practice to schedule the claim construction hearing for "no longer than 3 hours on Wednesday's law and motion calendar." Standing Order for Patent Cases, ¶ 11. If the parties believe a longer period of time is warranted, they must "request a telephone conference with the court as soon as it is apparent that a special setting is necessary." *Id.* Additionally, the court does not ordinarily hear extrinsic evidence at the claim construction hearing, unless the parties have requested a telephone conference with the court within two weeks of the hearing to seek approval. *Id.* ¶ 9.

1 Accordingly, the parties shall contact the Courtroom Deputy to schedule a telephone
2 conference with the court, to discuss a special setting for the claim construction hearing.

3 In addition, the parties are ORDERED to reformat their claim construction briefs, as
4 follows. First, the disputed terms should be addressed in the briefs in the order in which
5 they are listed in the Joint Claim Construction and Prehearing Statement. See id. ¶ 5.

6 Second, defendant must also reformat its brief so that the brief is in compliance with
7 the Civil Local Rules. See Civil Local Rule 3-4(c) ("Typewritten text may be no less than
8 standard pica or 12-point type . . . , spaced 10 characters per horizontal inch. Printed text
9 . . . may not be smaller than 12-point standard font The text of footnotes . . . must also
10 conform to these font requirements.") If defendant requires a few additional pages over the
11 25 permitted, in order to reformat its brief so that it is readable, the court approves.
12 However, neither side may revise the substance of its brief in any way. The reformatted
13 briefs shall be filed no later than July 15, 2011.

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15 **IT IS SO ORDERED.**

16 Dated: July 13, 2011



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18 PHYLLIS J. HAMILTON
19 United States District Judge
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